

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES E. WASHINGTON,

Plaintiff, : Case No. 3-21-cv-268

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

COMMUNITY SERVICES REAL
ESTATE, LLC., et al.,

:
Defendants.

DECISION AND ORDER

This case is before the Court on a filing by Plaintiff labeled “Motion,” but which actually does not ask the Court to take any action (ECF No. 21). In the Motion, Plaintiff recites the elements necessary to prove a conspiracy under 42 U.S.C. § 1985 and then attaches documents.

The Court has already recognized that Plaintiff has sufficiently pleaded a claim under § 1985. The claim must now be proven by live testimony in open court, subject to cross-examination. Such testimony would ordinarily be given at trial.

At the present time, although process has issued as to Defendant Latria Robinson, the Court does not yet have a return of service. Once Ms. Robinson has been served, the Court will order the parties to propose a schedule for discovery, summary judgment practice, and trial.

The pending Motion (ECF No. 21) is DENIED AS MOOT.

IT IS SO ORDERED.

May 17, 2022.

s/ *Michael R. Merz*
United States Magistrate Judge